

PANAMA CITY BEACH

Home of the World's Most Beautiful Beach

December 29, 1993

Ms. Lynn Hindsman
Vice President/General Manager
W P A P
Caller Box 2288
Panama City, FL 32402

Dear Ms. Hindsman:

In response to your request for information concerning Panama City Beach, I offer the following.

Panama City Beach is a full-service municipality with a permanent population of fifty-five hundred (5500), and an annual average tourist population of forty thousand (40,000) per day with holiday peaks in excess of one hundred thousand (100,000). Our City provides Police and Fire protection as well as municipal water and wastewater services with a total of one hundred forty (140) employees. Panama City Beach has a franchise issued by Bay County to furnish water and wastewater services for the entire area west of Hathaway Bridge with a customer base of fourteen thousand (14,000).

This City does not depend on the City of Panama City for any services at all.

If you need further information about our City, please feel free to contact me.

Sincerely,

CITY OF PANAMA CITY BEACH

Philip W. Griffiths, Mayor

PWG:gew

Mayor
Philip Griffiths

Vice Mayor
Wesley "Mack" Levins

Councilmen
Hoyt "Junior" Cook

Larry J. Couch
Larry Prestwood

City Attorney
Doug Sale

City Manager
Richard E. Jackson

City Clerk
Mark B. Schnitker

CITY OF LYNN HAVEN

MONTEL JOHNSON
MAYOR

ALTON L. COLVIN
CITY MANAGER

LARRY A. BODIFORD
CITY ATTORNEY

PATRICIA MERCER
CITY CLERK

BAY COUNTY

"A Good Place To Live"

825 Ohio Avenue
Lynn Haven, Florida 32444
(904) 265-2121
Fax (904) 265-8931

COMMISSIONERS

ROBERT A. GARDNER

WALTER T. KELLEY

VERNON PERDUE

JAMES E. SNODGRASS

December 29, 1993

Ms. Lyn Hindsman
Vice President & General Manager
WPAP/Southern Broadcasting
1834 Lisenby Avenue
Panama City, FL 32405

Dear Ms. Hindsman:

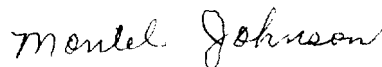
Lynn Haven is a city of some 10,000 residents located in Bay County and independent of Panama City. Established in 1911 and incorporated in 1913, Lynn Haven owns and operates its own water and sewer systems, library, police, fire, and public works departments.

We have a City Manager form of government with a governing body of elected officials consisting of a Mayor and four Commissioners.

If there has been any question about our pride in independence, ask anyone residing in Lynn Haven.

If you need any other information, please let me know.

Sincerely,



Montel Johnson
Mayor

MMJ/pm

EXHIBIT 4

LETTER OF JOHN G. HINDSMAN, III

January 3, 1994

Paul Stone
Southern Broadcasting Companies, Inc.
Caller Box 2288
Panama City, FL 32404

Dear Mr. Stone:

I was the appointed Chairman of the Bay County Charter Study Committee in 1975-76. I and a group of citizens were appointed by the Bay County Board of Commissioners to prepare a full-fledged study of the financial feasibility of combining all of the Police Departments, Fire Departments, Street Departments, Water & Sewer Services and Parks Departments into a consolidated "county-wide" approach. While each of the six incorporated cities in Bay County provide these services independently to the various cities, it was felt that a substantial savings of cost and improved quality of service might be afforded on a consolidated county-wide system.

I doubt that I have ever experienced less success or more back-lash on any community endeavor I have ever been associated with in Bay County. While our project was funded (for study purposes), the completed report (which highly recommended county-wide consolidated services) was met with extreme disapproval by all of the six cities in Bay County as well as the population at large.

Bay County is comprised of six municipalities and a large unincorporated area. These six small cities are completely independent of each other. The unincorporated area is served by the Bay County Board of Commissioners. And that's the way it will remain for the foreseeable future. This is not an "urban" or "metro" city serving smaller cities. It is, as I've stated, a collection of six small, independent cities. And it is this way at the demand of the population at large.

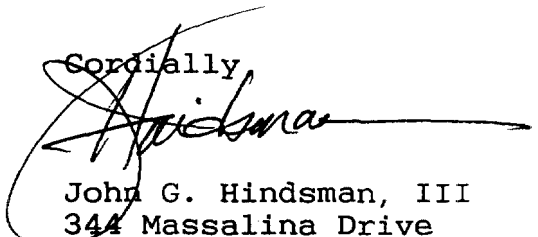
Paul Stone
Southern Broadcasting Companies, Inc.
January 3, 1993
Page 2

Each of the two studies which followed ours (1986 and 1992) met with exactly the same resistance.

I hope this information answers your question about Panama City serving the surrounding cities. It just isn't so.

Thank you for your interest.

Cordially,



John G. Hindsman, III
344 Massalina Drive
Panama City, FL 32401

EXHIBIT 5

LOCAL TELEPHONE DIRECTORY FOR PANAMA CITY-BAY COUNTY AREA

PARAMORE J—PASTORE

A CODE 904

PANAMA CITY-BAY

UNTY AREA

Paramore Jolene O DMD 330-B W 2nd St — 769-8277
 Parauka Frank M 2006 Windhammer Dr Lynh — 265-9020
 Paravincini H L 22309 Palm Crest Dr PCB — 233-4992
 Pardue Francis O 4640 Lake Dr Parker — 871-3809
 Parody Frank 117 N Howe Av — 763-0467

PARELL G JOSEPH MD PA

By Appointment Only

Suite E
 330 W 2nd St — 769-3393
 Res 402 Bankers Cove Rd — 769-0938

Parents James 6454 Summer Oak Dr PCB — 233-3711
 Parent Andy 17453 W Highway 98 PCB — 235-3220
 Parent Andy 17465 W Highway 98A PCB — 235-3455

Parent Stephen
 9008 E Business Highway 98 Parker — 874-8870

Parfinsky Andrew J 6223 Sunset Av PCB — 234-7359

Paris Gregory S 13922 Fiddlers Green Rd — 265-4472

Paris H D 2712 E Baldwin Rd HI Pk — 763-3334

Paris Leslie 1209 Perkins Rd — 265-9939

Paris Phillip L 1330 Myrtle Rd Supt — 271-0121

Paris Plumbing Co 12439 Perkins Rd — 265-9939

Paris Ralph 2918 N East Av — 785-8763

Parise G 4400 Av Fountain — 722-4632

Parish D A 3911 W 27th Ct — 763-3334

Parish Doyle E 161 Sherrett Branch Rd — 265-9324

Parish George Jr 1513 Myrtle Rd Panama Cy — 265-6343

Parish George C Sr 3702 W 27th St — 785-3216

Parish Henry 1334 S Andrews Blvd — 785-3509

Parish James Coe Rd — 763-8896

Parish John W Sr 1604 Maine Av Lynh — 271-5251

Parish K J Sgt 1809 Carolina Av Lynh — 265-2519

Parish Marion F 7228 Massachusetts St — 871-6639

Parish Pat 815 Nottingham Dr Supt — 763-0292

Parish W J Jr 410 Bayshore Dr PCB — 234-5732

Park Deborah 322 Barlett Dr Calvey — 769-7974

Park Dorothy & Paul 17751 Hutchinson Rd — 234-7249

Park Dudley 4303 Bay Point Rd PCB — 235-7918

Park Edmal 629 Georgia Av Lynh — 265-2365

Park Elree 1730 Christopher St Lynh — 265-2413

Park Frederick B 2809 Jenks Av — 769-8482

Park Greta 21817 Front Beach Rd PCB — 235-0960

Park James 401 Barlett Dr Calvey — 872-1532

Park James A Rev 767 N Longwood Cir — 769-2782

Park Place Apartments
 See Garden Bay Apartments

Park Place Campground & Motel
 9122 Front Beach Rd PCB — 234-2278

Park Place Motel & Campground
 9122 Front Beach Rd PCB — 234-2278

Park Russell W & Mickey
 839 Plantation Dr — 871-1628

Park William A 803 Kristanna Dr — 265-3447

Parker Alfred E 1424 Beck Av — 785-8289

Parker Alice Mrs 1308 Caldwell Dr — 763-8390

Parker Alice E 2501 Scott Av — 769-9480

Parker Anna — 784-1382

Parker Assembly Of God Church
 922 W Park St Parker — 871-3250

Parker & Associates 6502 S Lagoon Dr PCB — 235-0535

Parker Auto House
 4041 E Business Highway 98 Parker — 874-1413

Parker Auto Sales 5207 Boat Race Rd Parker — 871-4145

Parker B F 1507 Tyndall Dr — 763-9897

Parker Bayou Trawlers Inc
 1112 High St Parker — 871-3996

Parker Billy H & Curry 23 Chateau Rd PCB — 234-2981

Parker Bob 1335 Capri Dr — 271-9053

Parker Bruce F 5135 Park St Parker — 785-8623

Parker Callie 1505 E 9th Ct — 763-4597

Parker Charles D 616 Williams Av — 769-1590

Parker Chester A arch 1116 Missouri Av Lynh — 265-6500

PARKER CITY OF—

City Hall 1001 W Park St Parker — 871-4104

Fire Dept—

Emergency Calls — 911

Non-Emergency Calls

1001 W Park St Parker — 871-4313

Library 1001 W Park St Parker — 871-3092

Police Dept—

Emergency Calls — 911

Police Dept 1001 W Park St Parker — 871-4100

Police Dept 1001 W Park St Parker — 871-6450

Sanitation Dept 1001 W Park St Parker — 871-4283

Sewer Dept 1001 W Park St Parker — 871-4949

Street Dept 1001 W Park St Parker — 871-4283

Water Dept 1001 W Park St Parker — 871-4949

Parker Cliff 725 West St Parker — 874-1155

Parker Clinton 5505 W Highway 98 — 769-2305

Parker Curry & Billy H 23 Chateau Rd PCB — 234-2981

Parker D 3908 Venetian Cir — 271-1993

Parker D C 2222 Gulf View Dr PCB — 233-0627

Parker D E 14300 Highway 77 Supt — 271-2505

Parker D F & Viola — 233-2725

Parker Dan 5717 Thomas Dr PCB — 235-0258

Parker David W Jr 4324 W 20th St — 747-8540

Parker Debbie 5115 E 14th St Supt — 784-7812

Parker Don 703 W 8th Cir Calvey — 271-5316

Parker E G 1025 E Park St Parker — 871-3985

Parker Eddie 5013 Holly Av Yngstn — 722-4932

Parker Edward M 8200 Surf Dr PCB — 234-5765

Parker Electronic Supply

4535 Home Av Parker — 871-4211

Parker Elizabeth 627 E 3rd St — 769-0890

Parker Elwin 3127 W 2nd St — 769-0920

Parker Eric E 5231 Stewart Dr — 769-3243

Parker F E 3415 W 19th St — 769-3486

Parker F M 416 S Bonita Av — 785-6987

Parker Franklin S 213 S Gay Av Calvey — 763-0414

Parker Fredrick 1662 Ace Cr PCB — 234-5324

Parker Gary — 769-0399

Parker Gordon A 5419 Thomas Dr PCB — 234-2707

Parker Grace E 120 Romanza Pl PCB — 230-9205

Parker Gwendolyn 2111 E 8th St — 763-5998

Parker Hamp 2403 E 16th Ct Calvey — 763-4620

Parker Harold 4002 Valencia Ct — 265-0539

Parker Harold R 901 Marina Dr PCB — 235-3832

PARKER HEATING & COOLING

823 S Highway 22A Parker — 871-4343

Parker Helen 2204 Laurie Av PCB — 235-0972

Parker Howard & Jody
 6502 S Lagoon Dr PCB — 234-7179

Parker Inn 4933 E Business Highway 98 Parker — 874-2459

Parker J 14 Bob Sides Dr — 769-2572

Parker J L 1030 Ebbins Rd Parker — 871-4462

Parker Jack E 1025 E Park St Parker — 871-4241

Parker James 10901 Veal Rd Yngstn — 722-4340

Parker James D 2423 Anne Av PCB — 235-0325

Parker James D 214 N Church Av — 769-2608

Parker James T 122 Fox Ridge Rd — 763-6064

Parker Jan — 265-8013

Parker Jane 6015 Pippin Rd — 763-3784

Parker Jane 6015 Pippin Rd — 785-6032

Parker Jerry L 417 Tampa Pass Calvey — 871-3032

Parker Jerry L 22505 W Highway 98A PCB — 234-6015

Parker Jerry T 2722 Wilshire Av HI Pk — 763-3629

Parker Jesse L 2401 Stanford Rd — 784-7926

Parker Jim 236 W 34th Ct — 769-9529

Parker John C 6030 John Pitts Rd — 763-6941

Parker John F 928 Hurst Ct — 871-3038

Parker John R 7421 Market St Supt — 271-5634

Parker Joseph B 311 Chelsea Dr PCB — 233-4847

Parker Julius 509 E 4th Ct — 785-8913

Parker Kathy 3522 St John St Supt — 784-2911

Parker Ken 303 Blackshear Dr Parker — 871-3988

Parker Kenneth G 13439 Pitts Rd Yngstn — 722-4432

Parker Larry 606 Lagoon Oaks Cr PCB — 235-2850

PARKER LAUNDRY 4902 E Bus Hwy 98 Parker — 871-6592

Parker Lawrence 105 E 4th St Lynh — 265-2136

Parker Leonard 6015 Ivy Rd Calvey — 871-4922

Parker Lucy M 1722 W 17th St — 763-4516

Parker Lusty A 5107 Lake Dr Parker — 763-2510

Parker M 178 N Highway 22A Calvey — 769-4491

Parker M D 22005 Front Beach Rd PCB — 235-3458

Parker M H 116 Palm Cr PCB — 235-3364

Parker Marvin C Jr 226 Greenwood Dr PCB — 234-0964

Parker Matt 8850 Thomas Dr PCB — 233-6150

Parker Michael E & Sylvia — 722-1087

Parker Michael W & Brenda — 747-1550

Parker Michele & Randy
 901 Russ Lake Dr Supt — 747-9112

Parker Mildred 508 E 8th Ct — 785-2929

Parker N S 404 Venetian Way — 271-2201

Parker Nell Mrs 234 Springfield Av Supt — 785-4582

Parker Patrick 2731 Brookwood Av — 785-7518

Parker Paul 7541 Old Bicycle Rd Calvey — 871-6939

Parker Paul Mrs 336 N Gray Av — 763-4237

Parker Paul Richard 2036 E 9th St Lynh — 265-6672

Parker Paul & Terry 352A Commodore Av — 769-7516

Parker Preston 218 N Market Av — 871-2771

Parker R S 3701 Highway 390 — 769-4226

Parker Richard M 5204 Gulf Dr PCB — 234-5721

Parker Richard W 106 Seashore Dr PCB — 230-9601

Parker Robert M 17751 Back Beach Rd PCB — 233-6993

Parker Roger D & Babette
 107 Queens Cr — 763-2944

Parker S 1155 4th Cr Supt — 265-9075

Parker S A 13721 Cardinal Av Fountain — 722-1121

Parker S J 1112 Tennessee Av Lynh — 265-4077

Parker S T 819 Florida Av — 769-6666

Parker Samuel W 739 N 9th St Parker — 871-4156

Parker Samuel W Jr 3130 Transmitter Rd — 747-0961

Parker Scott & Renee 32 Cove Gardens — 747-8476

PARKER SHELL SERVICE STATION
 6146 E Highway 98 Parker — 871-4636

Parker Stacy 4324 W 20th St — 769-7849

Parker Stanley 129 Anita Dr Calvey — 763-9868

Parker Steve 8623 N Lagoon Dr PCB — 235-1622

Parker T J 129 Southfield Rd PCB — 235-0909

Parker Terry & Terry Ann
 2509 Kimberly Dr Lynh — 265-8177

Parker Thomas D 7203 Skywater Dr — 763-9773

Parker United Methodist Church
 908 S Tyndall Pkwy — 871-4747

Parker Vernon 1710 Hamilton Av — 872-2026

Parker Wendell H 2829 Mary Baldwin Cir — 872-9109

Parker William 2812 County Road 2321 Supt — 271-1892

Parker William Cawthron

3140 Sarasota Av HI Pk — 763-6050

Parker William R Sr 2613 Willow Oak Ct PCB — 235-3891

Parkerson Perry 6903 N Lagoon Dr PCB — 233-6797

Parkin Glenn 17462 W Highway 98A PCB — 235-0841

Parkinson Glen & Pam 135 Queens Cr — 769-3174

Parkinson Jack 2360 Foxworth Dr — 747-0633

Parkinson Loren W 222 San Gabriel St PCB — 235-2644

Parkinson S 1203 W 22nd St — 763-1534

Parkinson William G
 8505 Rhonda Rd Yngstn — 722-9649

Parkinson's Disease Support Group
 405 Azalea St PCB — 233-8404

Parkman C B Jr 5801 Thomas Dr PCB — 234-5041

Parkman Charles B Jr 1309 Bayou Ct — 763-7475

Parkman R Dean 23001 W Highway 98A PCB — 233-6451

Parks Allan & Mary Jo
 4427 Bay Point Rd PCB — 234-1904

Parks C 21807 Pampanga Av PCB — 233-1482

Parks Charles W 6627 Lance St Calvey — 871-6967

Parks David 129 Coral Dr PCB — 234-5700

Parks H Darrell 22223 W Highway 98A PCB — 235-4639

Parks Henry R Mr & Mrs
 5612 E Highway 98 Parker — 871-5281

Parks Hugh B 23223 W Highway 98A PCB — 234-6375

Parks James 3022 Hyde Av HI Pk — 769-5853

Parks James T 443 Cato Rd — 747-1467

Parks M E 2401 Valley Oak Ct PCB — 234-6817

Parks O L 5425 Boat Race Rd Parker — 871-4451

Park's Olympic Tae Kwon Do
 Panama Cy — 769-2843

Parks Philip C 5614 Howard Rd Calvey — 871-1023

Parks Roy J 5342 Dumbly Rd — 763-5062

PARKWAY ANIMAL HOSPITAL
 739-A S Tyndall Pkwy Calvey — 763-8387

Parkway Baptist Church 3323 E 15th St — 763-4682

Parkway Barber Shop
 6221 E Highway 98 Parker — 871-9950

Parkway Church Of The Nazarene
 162 N Tyndall Pkwy Calvey — 769-1258

Parkway Counseling Center
 5620 Cherry St Calvey — 769-4400

EXHIBIT 6

COMPARATIVE PREFERENCES WITHIN METROPOLITAN AREAS

48 FR 19428, April 29, 1983

FEDERAL COMMUNICATIONS COMMISSION
AGENCY: Federal Communications Commission.

47 CFR Part 73
The Commission's Policy, Pursuant to Section 307(b) of the
Communications Act, of Granting Comparative Preferences
Within Metropolitan Areas.

[MM Docket No. 83-403; FCC 83-160]

48 FR 19428

April 29, 1983

ACTION: Proposed rule.

SUMMARY: This action concerns a proposal to redefine the term community for purposes of implementing section 307(b) of the Communications Act to include a metropolitan area. The proposal is designed to eliminate the comparative preference obtained in specifying a suburban community as the city of license. Comments are sought on the public interest benefits of the proposal and on the standards for determining the geographic boundaries for the metropolitan area.

DATES: Comments must be filed on or before June 3, 1983, and reply comments on or before June 20, 1983.

Adopted: April 15, 1983.

Released: April 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.
FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

TEXT: List of Subjects in 47 CFR Part 73

Radio and TV broadcasting.

Notice of Proposed Rule Making

In the matter of The Commission's policy pursuant to section 307(b) of the Communications Act of granting comparative preferences within metropolitan areas (MM Docket No. 83-403; FCC 83-160).

By the Commission: Commissioner Fogarty concurring in the result.

1. This proceeding arises out of the recent action by the Commission on February 17, 1983, BC Docket No. 82-320, In the Matter of The Suburban Community Policy, the Berwick Doctrine and the De Facto Reallocation Policy (herein referred to as the "Berwick" proceeding), 48 FR 12094, published March 23, 1983. That proceeding examined several Commission policies that had evolved under Section 307(b) of the Communications Act of 1934, as amended.

2. The Berwick proceeding raised the question of whether an applicant specifying a suburban community should receive a preference pursuant to Section

307(b) when its proposed signal would cover a metropolitan area. The idea of redefining the term "community" for purposes of implementing Section 307(b) was suggested in the Notice of Proposed Rule Making as a means to remove the comparative preference for a suburban community. The Commission determined in its Report and Order that it did not believe it had an adequate record to support the redefinition proposal. However the Commission decided that a separate proceeding should be initiated to elicit comments as to the public interest benefits of the new definition, the costs involved, and the appropriate geographic standard to be used. We have set forth our policy concerns and objectives in order to elicit comments thereon.

3. Initially we shall provide some historical perspective for a better understanding of the direction we wish to pursue in fulfilling the mandate of Section 307(b). Prior to the enactment of the Radio Act of 1927, licensees demonstrated a tendency to locate their facilities in the larger cities. In response to this situation, Section 9 of the Radio Act of 1927 provided inter alia, that "the licensing authority shall make such a distribution of licenses, * * * among the different States and communities as to give fair, efficient and equitable radio service to each of the same." Public Law No. 69-632, ch. 169, section 9, 44 Stat. 1166. Congressional debate expressed a concern that local communities, as well as states, should not be deprived of information and programming serving local needs, 68 Cong. Rec. 2568, 2569.

See also 68 Cong. Rec. 2570, 2576. The Radio Act was amended the next year by the "Davis Amendment," Public Law No. 70-195, 45 Stat. 373 (1928), dividing the country into five zones and requiring the Commission to allocate service equally among them. The floor debate made little reference to the need for local stations. See H.R. Rep. No. 800, 70th Congress, 1st Session 4 (1928). The Communications Act of 1934 contained basically the same wording as its predecessor. However, the five-zone scheme was eliminated in 1936. The committee and conference reports on the 1936 amendments contain virtually no discussion regarding the need for local service.

4. As a result, the Commission was left with broad discretion to enforce the statutory requirement of "fair, efficient, and equitable distribution of radio service." See FCC v. Allentown Broadcasting Co., 349 U.S. 358 (1955); see also Huntington Broadcasting Co. v. FCC, 192 F. 2d 33 (D.C. Cir. 1951). We have exercised this discretion so as to favor communities which would receive a first or second local service. In so doing, applicants have been provided an incentive to gain a preference in the comparative analysis by specifying an unserved or underserved community. For example, the FM Table of Assignments was adopted with a set of priorities including the provision of a first local service. See Further Notice of Proposed Rule Making in Docket 14185, FCC 62-867 (1962), Anamosa and Iowa City, Iowa, et al., 46 F.C.C. 2d 520, 524 (1974). The same basic standards are used in the AM and TV services.

5. However, the Section 307(b) comparison has presented special problems in cases involving applications for facilities in suburban communities. In Huntington Broadcasting Co. v. FCC, supra, three mutually exclusive applications for a Class II AM station (1540 kHz, 5 kW, daytime only) proposed to locate in the Los Angeles metropolitan area (Huntington Park, Los Angeles and Monrovia). The Commission characterized the proposals as regional in nature and viewed the proposed service as intended for one large "community." n1 Consequently the Commission could find no basis for selecting among the applicants on Section 307(b) grounds. The Commission's exercise of discretion in this manner was upheld by the appellate court. Similarly, in St. Louis Telecast Inc., et al., 22 F.C.C. 625 (1957), five applicants for VHF-TV Channel 11 specified localities in the St. Louis metropolitan area. One applicant urged that its specification of East St. Louis, Illinois, for a first VHF-TV facility

gave it a preference over those proposing a fourth VHF service to St. Louis. n2 The Commission concluded that the applicants proposed area wide coverage to be transmitted from the same general location and service to "a single economically and culturally integrated community whose center is the city of St. Louis." St. Louis Telecast, Inc., supra , at 713. Thus, the grant was not based on Section 307(b) considerations. This same approach was taken in Massillon Broadcasting Co., Inc. , 2 RR 2d 409 (1964); Seven Locks Broadcasting, Co., 3 RR 2d 177 (1964); Charles Vanda , 8 RR 2d 427 (Rev. Bd. 1966); and Cleveland Television Corp ., 52 RR 2d 581 (Rev. Bd. 1982).

n 1 For example, the proposed Huntington Park station would serve 83% of the metropolitan area of Los Angeles.

n 2 The channel was assigned to St. Louis but available for application at East St. Louis under the Commission's 15 mile rule for TV stations (Section 73.607(b)). that rule along with its companion for FM stations (Section 73.203(b)) has been deleted by the action taken in the Berwick proceeding.

6. However, in other instances the Commission treated applicants for stations in suburban communities differently. See Miners Broadcasting Service, Inc. v. FCC , 349 F. 2d 199 (D.C. Cir. 1965). In the Miners case, one applicant proposed a 250 watt station for Monroeville, Pa., a city of 22,446 population, 3.5 miles east of Pittsburgh and with no local radio service. The competing applicant sought to change its existing Class III (500 watt) AM station from Ambridge, Pa. to a Class II 10,000 watt station specifying Ambridge-Aliquippa, Pa. Aliquippa (pop. 26,369), located 12 miles northwest of Pittsburgh, would receive a first local broadcast service. The Commission characterized the Aliquippa proposal as a Pittsburgh station for Section 307(b) purposes but viewed the Monroeville application as a local service. n3 On the basis of a first local service to Monroeville compared to a ninth such service to Pittsburgh, the Commission favored the former community. The appellate court remanded the case on the finding that the Commission's application of the Huntington rule (see paragraph 5, supra .) was inconsistent and without adequate support. It was suggested that Monroeville could have been compared to Aliquippa based on the differences in proposed coverage or that both communities could be viewed as suburban to Pittsburgh and compared on that basis without regard to Section 307(b) principles. That case should be contrasted with Pasadena Broadcasting v. FCC , 555 F. 2d 1046 (D.C. Cir. 1977), where seven applicants for a Class II AM station specified four different communities within a forty mile area of Los Angeles. One of the applicants for Newport, California, was disqualified because its proposed station would have provided daytime service to fewer people than the other proposals. the other applications also were treated as proposals for the Los angeles area and compared without regard to Section 307(b) criteria. The court held that the Commission should have compared the needs of Los Angeles for a thirteenth AM station to that of Newport for a first local transmission service because of the importance placed on first local service.

n 3 The Commission cited the proposed Aliquippa station's coverage of 98% of Pittsburgh with a 2 mV/m signal compared to a one third coverage of Pittsburgh from the Monroeville proposal as the reason for the disparate treatment.

7. The cases reveal situations in which applicants for suburban communities have been treated as metropolitan area proposals for Section 307(b) purposes. There are also contrasting situations in which the Commission has determined that a particular suburban applicant should be considered as a proposal for the smaller community and preferred to center city applicants. In this rule making we ask whether there are circumstances in which competing applicants for communities in a metropolitan area should be considered as area wide and

therefore not subject to the Section 307(b) distinctions, as opposed to local community applicants for purposes of Section 307(b) comparisons.

8. This inquiry follows as a logical next step after our action in the Berwick proceeding. We therein terminated our suburban community and Berwick policies. n4 The Berwick proceeding also eliminated the 10/15 mile rule for FM and TV channels. n5 That rule permitted the use of an assigned channel within 10 miles (Class A FM channels) or 15 miles (Class C FM or TV channels) of the community of assignment. Applications seeking to use a channel under the 10 or 15 mile rule in competition with applications for the listed community gave rise to a Section 307(b) comparison. The primary reason for removing the rule is the development of FM radio service over the past 20 years. The need for flexibility in predicting demand no longer seemed valid. The inefficiency of resolving the 307(b) issues in a hearing rather than in rule making also led to the rule elimination. Henceforth, the channel will be available only in the community of assignment, and any proposal seeking a conflicting use will have to be weighed and decided in a rule making to reassign the channel.

n 4 A complete discussion on the history, purpose and application of the suburban community and Berwick policies can be found in the Report and Order in the Berwick proceeding. We determined therein that those policies discouraged applications for suburban communities. Their elimination could well increase the occurrence of such applications. Thus, some consideration of when we would make Section 307(b) comparisons between communities in the same metropolitan area would facilitate the authorization of a new service.

n 5 See footnote 2, supra.

9. After our decision in the Berwick proceeding, the question of whether to use a broader definition of "community" for Section 307(b) purposes will arise in two contexts: (1) Rule making proceedings to assign and reassign FM and TV channels to communities in the Commission's Tables of Channel Assignments @@ 73.202 for FM and 73.606 for TV); and (2) application proceedings for AM stations. Applications for new AM facilities continue to be accepted on a demand basis, and conflicts between communities do not come up until applications are filed. Those conflicts will continue to be resolved in the hearing process. In either situation, we do not intend to affect any technical rules or service obligations by our proposal here.

10. In FM and TV rule making proceedings where two or more petitions for channel assignments specifying different communities conflict with the mileage separation requirements, we generally compare the needs of the two communities for the proposed station. The incentive to specify a community with no local service or with fewer local services than another community is often overriding in view of the high priority given to proposals to serve less well served areas under traditional Section 307(b) criteria. See para 4, supra. Currently, where the two proposals are for different localities within the same metropolitan area we do not consider whether either proposal should be characterized as a metropolitan area station or as one that will serve a specific community within the metropolitan area. n6 Rather we make a comparison of the two communities based on the traditional criteria of number of local services, reception services, population and location. However under our proposal herein we would make the determination that proposals to serve specific localities within a general metropolitan area should be considered metropolitan area proposals based on criteria to be developed in this proceeding. Pursuant to that finding, there would be no need for a Section 307(b) comparison among proposals for the same metropolitan area. Rather the assignment would be made to the metropolitan area, and any interested parties could apply for any community within the metropolitan area. n7 Those applicants interested in a smaller community would be free to apply there, but there would be no Section 307(b) preference for a first service

to a smaller community in contrast to offer proposals in the same metropolitan area. We would not make a Section 307(b) comparison primarily because we believe that the use of a regional channel in a metropolitan area is equally in the public interest regardless of the specific city of license. Accordingly, the choice of applicants would be based entirely on the standard comparative qualifications developed through the years. The applicant chosen would be licensed to the community specified in the application and would have to comply with all existing rules concerning its community of license. We believe this procedure would result in greater flexibility in providing service where it is needed, and fewer administrative burdens in making Section 307(b) comparisons.

n 6 The need for this inquiry at the rule making stage was removed by the Commission's action in Revision of FM Policies and Procedure, 90 F.C.C. 2d 88 (1982).

n 7 We are not herein proposing any changes in the Commission's technical rules that could affect the location of a station within a metropolitan area by virtue of minimum mileage separation and principal city coverage requirements.

11. In AM application proceedings the allocation process is built into the acceptance criteria of @ 73.37. Applications that specify communities within a metropolitan area must choose places with two or fewer aural services. Only minority applicants can specify larger communities that are not underserved. n8 Thus, where an application is filed by a minority, mutually exclusive non-minority applicants must specify a small community within the urbanized area in order to be considered. In cases where a minority applicant has specified a well served community, traditional Section 307(b) preferences direct the Commission to grant the conflicting proposal to provide a first or second local service. However if both applicants propose to serve the same greater metropolitan area, there is no need to make a Section 307(b) comparison. This proposal takes cognizance of that situation, and its adoption could encourage the filing of more applications by minorities seeking to serve metropolitan areas.

n 8 Section 73.37 provides for other exceptions to the acceptance restrictions that are not relevant here. The rule itself is currently under review by the Commission in response to a petition filed by the National Radio Broadcasters Association (RM-3683).

12. In proposing to utilize a metropolitan area concept, we seek comments on the appropriate geographic area within which we would consider conflicting petitions or applications to be proposals for the same "community" for Section 307(b) purposes. Some previous Commission cases have utilized the U.S. Census Bureau's concept of Urbanized Area as the appropriate delineation of the metropolitan area. n9 The U.S. Census Bureau describes that term as a "separation of urban and rural population in the vicinity of the larger cities." The criteria used are: (1) A central city of 50,000 or more inhabitants; or (2) twin cities, i.e., cities with contiguous boundaries with a combined population of 50,000 and the smaller community having at least 15,000 population; or (3) surrounding incorporated communities of 2,500 or more or areas of an urban nature based on the population density and land utilization.

n 9 See, e.g., *Miners Broadcasting Service v. FCC*, supra.

13. Another concept devised by the Census Bureau is the Metropolitan Statistical Area (MSA), n10 which is made up of a county or a group of contiguous counties surrounding a city of 50,000 or more population. Because MSAs are defined by county borders, there are some cases where the boundaries may be too broad for our purpose (for example: San Bernardino-Riverside-Ontario). As a possible alternative, the Rand McNally

Commercial Atlas and Marketing Guide uses "Ranally Metro. Areas," or RMAs. Unlike MSAs, RMA boundaries do not necessarily follow jurisdictional county lines. This is said to allow for a more precise location of the actual extent of urban and suburban development. The criteria used to define each area include: (1) A central city or cities; (2) any adjacent continuously built-up areas; and (3) other communities not connected to the city by continuous built-up territory if the bulk of their population is supported by commuters to the central city and its adjacent built-up areas, and provided their population density is fairly high. n11 We seek comments on whether these concepts or some other physical delineation of metropolitan area would be an appropriate "community" for Section 307(b) purposes. We also wish to have comments on what size city should be included in our inquiry. The Census Bureau includes cities of at least 50,000 population.

n 10 The current usage of MSA derives from the earlier Standard Metropolitan Statistical Areas (SMSA) used in previous Census reports.

n 11 Rand McNally Atlas and Marketing Guide, 113th Ed., Rand McNally & Co., 1982, page 2.

14. Moreover, commenters should address themselves to the potential service areas of proposed stations and whether the broader definition of "community" should be limited to certain classes of stations. For example, in the AM service, Class I channels are intended for extended coverage, Class II and Class III channels are considered regional in nature, and Class IV channels are allocated for local coverage. n12 In the FM service, Class B and Class C channels are defined as wide area coverage frequencies while Class A channels are used for smaller communities. n13 The TV service is generally considered capable of providing coverage to a large region on all channels. Under these circumstances, it may be appropriation to shrink the expanded definition of community for Class IV AM and Class A FM facilities. Such stations are not capable of providing service to an urbanized area. One alternative would be to limit the expanded "community" to an area coextensive with the predicted service contours of an imaginary station licensed to the center city coordinates, assuming maximum facilities. Another would be to exempt such local stations from the expanded definition.

n 12 See @ 73.21 of the Commission's Rules.

n 13 See @ 73.206 of the Commission's Rules.

15. Another area of inquiry on which we wish to receive comments is what effect such a redefinition would have on existing stations or on proposals pending for new allocations. For example, if an existing station wishes to move to a new community within the same metropolitan area, must a competing application be accepted for filing or should we treat the move as one within the same "community?" Finally, commenters are encouraged to raise any other issues related to the redefinition of community proposal.

16. In conclusion, we wish to propose and elicit comments on the idea of redefining the term "community" for purposes of implementing Section 307(b) of the Communications Act. Where conflicting applications (AM) or requests for a new assignment (FM or TV) specify communities within the same metropolitan area, the Section 307(b) comparison that is typically made may not in all circumstances be realistic. The proposed coverage contours, for example, may reveal insubstantial differences in service areas and thus provide no real basis for a Section 307(b) preference. The criteria for determining the appropriate geographic standard would be developed as a guide to implement the policy objectives.

17. Regulatory Flexibility Act Initial Analysis.

I. Reason for Action

This proposal derives from a similar one considered in the aforementioned Berwick proceeding. In this proceeding, we seek to develop a more complete record and to elicit comments on aspects of the proposal not previously discussed. The policy proposed is part of the Commission's ongoing review and evaluation of its rules and policies.

II. (a) Objective

To elicit comments on the public interest benefits and costs of the proposal in accordance with fulfilling the mandate of Section 307(b) of the Communications Act of 1934, as amended.

(b) Legal Basis. The legal basis for eliciting comment on this policy is found in Sections 4(i) and 303(r) of the Communications Act.

III. Description, Potential Impact and Number of Small Entities Affected

The time and costs involved in the proceedings to allocate AM, FM and TV frequencies and in the hearings to choose among applicants would be reduced. Small entities could benefit from not having to expend the time and costs involved in contesting these issues.

IV. Recording, Record Keeping and Other Compliance Requirements

No additional impact.

V. Federal Rules Which Overlap, Duplicate or Conflict With These Policies

None.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent With Stated Objectives

None.

Filing Responses to This Notice

18. Authority for this proposed rule making is contained in Sections 1, 3, 4 (i) and (j), 303, 307(b), 309 and 403 of the Communications Act of 1934, as amended. 47 U.S.C. 151-609.

19. Pursuant to §§ 1.410 and 1.415 of the Commission's Rules, interested parties may file comments on or before June 3, 1983, and reply comments on or before June 20, 1983. All relevant and timely comments will be considered. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such

information is noted in the Report and Order.

20. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that ex parte contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an ex parte presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who makes an ex parte presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral ex parte presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each ex parte presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See 47 C.F.R. Section 1.1231.

21. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. The comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this Notice, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 et seq. (1981).

22. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus eleven copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. For further information on this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. (Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-11513 Filed 4-28-83; 8:45 am]

BILLING CODE 6712-01-M

EXHIBIT 7

URBANIZED AREAS FOR 1990 CENSUS - FINAL CRITERIA

55 RR 42592, October 22, 1990

LEVEL 1 - 2 OF 2 DOCUMENTS

DEPARTMENT OF COMMERCE
Bureau of the Census
AGENCY: Bureau of the Census, Commerce.

[Docket No. 90886-0266]

55 FR 42592

October 22, 1990

Urbanized Areas for the 1990 Census -- Final Criteria
ACTION: Notice of determination.

SUMMARY: This document contains the final criteria for determining the eligibility and extent of the 1990 urbanized areas. These criteria are the result of the most recent periodic review of the definitional structure under which urbanized areas are identified for statistical purposes. These final criteria reflect the public comment received in response to the proposed criteria published in the Federal Register on October 24, 1989. They are published here in order to give notice of the criteria that will be used with the results of the 1990 census to determine the specific boundary definitions for each urbanized area.

The Bureau of the Census identifies and delineates urbanized areas to provide better data on the separation of the urban and rural population and housing in the vicinity of large cities. In order to delineate urbanized areas consistently and equitably nationwide, the Census Bureau established specific criteria when it first created these areas for the 1950 census. The Census Bureau, in consultation with data users, periodically reviews and revises these criteria, including a review before each decennial census. The following criteria will apply to the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico effective January 1, 1991. The Census Bureau may apply these criteria to other areas as well.

Because the Census Bureau identifies and tabulates data for urbanized areas solely for the purpose of statistical presentation and comparison, it does not take into account or attempt to anticipate any nonstatistical uses that may be made of these areas or their associated data, nor does it attempt to meet the requirements of any such nonstatistical program uses. Nonetheless, the Census Bureau recognizes that some Federal and state agencies are required by statute to use the Census Bureau defined urbanized areas for allocating program funds, setting program standards, and implementing other aspects of their programs. The agencies that make such nonstatistical uses of the areas and data should be aware that the changes to the urbanized areas criteria also may affect the implementation of their programs.

If a Federal or state agency voluntarily uses the urbanized areas or their associated data in a nonstatistical program, it is the agency's responsibility to ensure that the results are appropriate for such use. In considering the appropriateness of such nonstatistical program uses, the Census Bureau urges each agency to consider permitting appropriate modifications of the urbanized area results specifically for purposes of its program. When an agency permits such modifications, the Census Bureau urges each agency to use descriptive terminology that clearly avoids confusion with the Census Bureau's official urbanized areas.

The Census Bureau will use the following criteria and the results of the 1990 Census of Population and Housing n1 to determine the territory that qualifies for designation as an urbanized area and the boundaries, central place(s), and title of each qualifying urbanized area.

n 1 All references to population counts and desities relate to data reported in the 1990 Census of Population and Housing. An urbanized area delineated as a result of a special census conducted by the Census Bureau after the 1990 census (an intercensal urbanized area), at the request and expense of local officials, will be qualified using these criteria and the population counts and densities reported in that special census.

EFFECTIVE DATE: November 21, 1990.

ADDRESSES: Persons wishing to comment or obtain additional information should write to:

Mr. Robert W. Marx, Chief, Geography Division, Bureau of the Census, Washington, DC 20233

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Marx at the address given above or telephone (301) 763-5636.

Dated: October 4, 1990.

TEXT: A. Definition

An urbanized area comprises a place n2 and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people. n3

n 2 The term "place" in the urbanized area criteria includes both incorporated places, such as cities and villages, and census designated places (CDPs). A CDP is an unincorporated population cluster for which the Census Bureau delineates boundaries in cooperation with state and local agencies to permit tabulation of data for such clusters in Census Bureau products. For Puerto Rico, the Commonwealth government and the Census Bureau cooperatively delineate and recognize zonas urbanas and comunidades as CDP equivalents, which are used when applying the urbanized areas criteria.

n 3 People living the rural portion(s) of extended cities, as defined by applying the Census Bureau's extended city criteria, are excluded from the urbanized area. When applied to a potential urbanized area, if the excluded population of the rural portion of an extended city results in a total potential urbanized area population of less than 50,000, the potential urbanized area does not qualify even if the total population of the entire city equals or exceeds 50,000. In addition, for an urbanized area to qualify, at least 25,000 of the people in the potential urbanized area must reside in an area that is not part of a military installation. Also, if a previously existing urbanized area does not have 50,000 peopel based on the results of the 1990 census, it will not qualify as an urbanized area for the 1990 census.

The "densely settled surrounding territory" adjacent to the place consists of the following:

1. Territory made up of one or more contiguous census blocks n4 having a population density of at least 1,000 people per square mile, n5 provided that it

is:

n 4 A census block is an area identified by a unique number on the Census Bureau's maps used for a decennial or special census. Such areas normally are bounded by physical features shown on those maps, such as streets, streams, and railroads, and by nonvisible features such as the boundary of an incorporated place, minor civil division, county, or other 1990 census tabulation area boundary.

n 5 Population density is calculated by dividing the total population of the census block(s) by the land area of that block(s). The Census Bureau's calculation of population density for this purpose generally excludes the area of large, nonresidential urban land use areas such as railroad yards, industrial areas, airports, cemeteries, and golf courses shown on the Census Bureau's maps.

a. Contiguous with and directly connected by road to other qualifying territory, or

b. Noncontiguous with other qualifying territory, and:

(1) Within 1 1/2 road miles of the main body of the urbanized area, and connected to it by one or more nonqualifying census blocks that (a) are adjacent to the connecting road and (b) together with the outlying qualifying territory have a total population density of at least 500 people per square mile, n6 or

n 6 The Census Bureau will not include additional noncontiguous area in the urbanized area if the connection required to include it contains territory already qualified under criterion 1 b (1).

(2) Separated by water or other undevelopable territory n7 from the main body of the urbanized area, but within 5 road miles of the main body of the urbanized area, as long as the 5 miles include no more than 1 1/2 miles of otherwise nonqualifying developable territory. n8

n 7 For purposes of these criteria, "undevelopable territory" includes only mud flats, marshlands, steep slopes, and other terrain on which development is virtually impossible because of physical limitations. To be classified as undevelopable, the territory must not contain any existing housing or commercial structures. Military installations, parks, and forest preserves shown on the Census Bureau's maps at the time of the decennial or special census also may be classified as undevelopable territory. The land-use zoning of an area is not considered when applying this criterion.

n 8 In measuring the distance between the main body of the urbanized area and a qualifying noncontiguous area, the road miles through nonresidential urban land (such as commercial areas, industrial parks, office areas, and major airports) that are contiguous and continuous with the main body of the urbanized area are excluded from the distance. Road miles through undevelopable territory may occur at any point between the main body of the urbanized area and the qualifying noncontiguous area.

2. A place containing territory qualifying on the basis of criterion A.1 will be included in the urbanized area in its entirety (or partially, if the place is an extended city n9) if that qualifying territory includes at least 50 percent of the population of the place. If the place does not contain any territory qualifying on the basis of the above criterion, or if that qualifying territory includes less than 50 percent of the place's population, the place is excluded in its entirety. 1 n0

n 9 Only the urban portion of an incorporated place qualifies to be included

in the urbanized area if the place qualifies as an extended city. An incorporated place is defined as an extended city if it contains one or more sparsely settled areas, each at least 5 square miles in land area and having a population density of less than 100 people per square mile. The sparsely settled area(s) must total at least 25 percent of the land area of the incorporated place or encompass more than 25 square miles.

n 1 0 A place included in an urbanized area designated as a result of an earlier decennial or special census is retained in the urbanized area in its entirety even if it does not meet this criterion, unless it newly qualifies as an extended city.

3. Other territory with a population density of less than 1,000 people per square mile, provided that it:

a. Eliminates an enclave of no more than 5 square miles in the territory otherwise qualifying for the urbanized area when the surrounding territory qualifies on the basis of population density, or

b. Closes an indentation in the boundary of the territory otherwise qualifying urbanized area when the contiguous territory qualifies on the basis of population density, provided that the indentation is no more than 1 mile across the open end, has a depth at least two times greater than the distance across the open end, and encompasses no more than 5 square miles.

B. Urbanized Area Central Places

One or more urbanized area central places function as the dominant centers of each urbanized area. The identification of urbanized area central places permits the comparison of these dominant centers with the remaining territory in the urbanized area.

Urbanized areas are closely related to metropolitan areas (MAs) n11 in that most urbanized area(s) form the continuously built-up core of a metropolitan area. However, some metropolitan areas include two or more urbanized areas, and some urbanized areas exist outside of metropolitan areas. The Census Bureau identifies one or more central places for each urbanized area. If the urbanized area encompasses all the central cities of a single metropolitan area, then the central place(s) of the urbanized area generally will be the same as the central city(ies) of the corresponding metropolitan area.

n 11 As of April 1, 1990, the term "metropolitan area" or MA serves as the general term for the three types of metropolitan areas -- metropolitan statistical areas (MSAs), consolidated metropolitan statistical areas (CMSAs), and primary metropolitan statistical areas (PMSAs). The metropolitan area central cities and titles used to determine urbanized area central places and titles are those in existence just before the release of the primary 1990 census data products. Changes to the list of central cities and titles of existing metropolitan areas based on the results of the 1990 census are not included, because such changes occur after the release of most 1990 census data. The Census Bureau will not change the list of existing central places and titles of urbanized areas as a result of any subsequent metropolitan area central city or title changes until after the next national census. The Census Bureau will determine the central place(s) and title of each qualifying intercensal urbanized area at the time of qualification based on the 1990 criteria. Urbanized area titles, except for those titled under criterion C.4, include only place and state names.

Urbanized area central places include:

1. Those metropolitan area central cities entirely (or partially, if the place is an extended city n12) within the urbanized area. There is no limit on the number of qualifying central places, and not all metropolitan area central cities necessarily are included in the urbanized area title.

n 12 Only the urban portion of an extended city is classified as central.

2. If the urbanized area does not contain a metropolitan area central city or is outside of a metropolitan area, then the central place(s) is any place(s) that qualifies as specified in criterion C.2 or C.3 of the urbanized area titling criteria. One or two additional places may qualify as central under criterion C.2 of the urbanized area titling criteria. Only one place may qualify as central within an urbanized area under criterion C.3 of the urbanized area titling criteria.

C. Urbanized Area Titles and Codes

The title of an urbanized area identifies those places that are most important within the urbanized area; it links the urbanized area to the encompassing metropolitan area, where appropriate. If a single metropolitan area essentially encompasses the urbanized area, then the title and code of the urbanized area generally are the same as the title and code of the metropolitan area. If the urbanized area is not mostly encompassed in a single metropolitan area, if it does not include any place that is a central city of the encompassing metropolitan area, or if it is not part of a metropolitan area, then the Census Bureau uses the population size of the included places, with a preference for incorporated places, to determine the urbanized area title. The name of the state(s) in which the urbanized area is located also is included in the urbanized area title.

The following criteria are used to determine urbanized area titles and codes:

1. The title consists of the same places named in the encompassing metropolitan area title when the urbanized area exists mostly within a single metropolitan area as of the 1990 census, provided that the places in the metropolitan area title are located entirely (or partially, if the places are extended cities) within the boundaries of the urbanized area. Any metropolitan area title cities not located in the urbanized area are omitted from the urbanized area title.

2. If the urbanized area does not contain any place that meets criterion C.1, then the urbanized area title includes the name of the most populous incorporated place in the urbanized area that contains 2,500 or more people, and the names of up to two additional incorporated places in the urbanized area, provided that each additional place has a population of 15,000 or more, and has at least one-third the population of the most populous incorporated place in the urbanized area.

This criterion also is used to determine the title of an urbanized area that is not mostly encompassed within a single metropolitan area, or where a single metropolitan area encompasses more than one separate urbanized area, each centered on a separate metropolitan area title city; that is (a) those urbanized areas mostly within two or more PMSAs, but not within all constituent PMSAs of the CMSA, or (b) those urbanized areas that include one or more metropolitan area title cities but where other separate urbanized areas exist around one or more other title cities in the same metropolitan area. In these instances, the names used in the title of the urbanized area are restricted to metropolitan area central cities that meet the population size criteria given above.

3. If the urbanized area does not contain any incorporated place with a population of 2,500 or more, the urbanized area title includes only the name of the largest nonmilitary place. n13

n 13 A nonmilitary place is one in which more than 50 percent of the population lives outside the boundaries of a military installation.

4. A regional title may be used to identify an urbanized area with a population of one million or more, if the Census Bureau believes a regional title provides an unambiguous description of the area. Regional titles include only the name of the largest city in the urbanized area, followed by the regional reference.

5. For urbanized areas that have places that qualify under titling criterion C.1, the order of place names within an urbanized area title is the same as the order of the central city names in the metropolitan area title, excluding places not contained in the urbanized area. For urbanized areas that are titled under criterion C.2, the place names within the urbanized area title are listed in descending order of population.

6. In addition to the name of each qualifying place (including the city name in the regional title), the urbanized area title includes the name of each state into which the urbanized area extends. The order of state names is:

a. The same as the order of their related place names mentioned in the urbanized area title, followed by,

b. The names of any other state(s) into which the urbanized area extends in descending order of the state's population in the urbanized area.

7. The numeric code used to identify each urbanized area will be the same as the code for the mostly encompassing metropolitan area (including CMSAs and PMSAs). If the title cities of a metropolitan area represent multiple urbanized areas, or the urbanized area title city does not correspond to the first name of a metropolitan area title, the Census Bureau will assign a code to an urbanized area based on the alphabetical sequence of the urbanized area title in relationship to all other urbanized area and metropolitan area titles.

D. Retention of Boundaries, Contiguity, and Merger of Urbanized Areas

As with the identification of central places and titles, the Census Bureau uses the geographic structure of metropolitan areas (including CMSAs and PMSAs) to determine when to define separate contiguous urbanized areas n14 or to merge contiguous urbanized areas. After delineating the boundaries of each urbanized area, the Census Bureau examines the relationship between the urbanized area and any contiguous urbanized area(s) using the following criteria to determine if each contiguous urbanized area should be recognized separately and, if so, where the boundary should be located between these urbanized areas:

n 14 The Census Bureau considers two urbanized areas to be contiguous if they share a common boundary line (not simply a point), and the areas on both sides of this shared boundary qualify for inclusion in their respective urbanized areas based on the minimum population density criterion of 1,000 people per square mile. Urbanized areas that are separated by no more than 5 miles of undevelopable land or water, but are connected by 5 miles or less of road, are considered contiguous if both include areas meeting the population density criterion at the points where they adjoin the undevelopable land or water and the qualifying road connection exists.

1. An existing urbanized area generally retains all territory previously included within its boundaries if it qualifies as an urbanized area for the 1990 census. When a previously existing urbanized area becomes contiguous with another urbanized area, the Census Bureau generally will not move previously qualifying territory from that urbanized area into the contiguous urbanized area. n15

n 15 The Census Bureau unavoidably may have to delete previously qualifying territory from an urbanized area or shift previously qualifying territory from one urbanized area to another when there has been a change in a place boundary (due to a detachment from or disincorporation of an incorporated place or a retraction from or deletion of a CDP), a change in a county or minor civil division boundary, or the elimination of a feature previously used as a census block boundary.

2. When previously noncontiguous urbanized areas become contiguous, the Census Bureau will choose a prominent physical feature or political boundary to use as the boundary separating the two urbanized areas. The feature or political boundary selected will be at or near the location of the lowest overall population density between the two areas.

3. No new urbanized area will be created from the territory of an existing urbanized area, even if one or more MSAs or PMSAs subsequently are established that include portions of the existing urbanized area.

4. If the boundary used to separate two contiguous urbanized areas follows a political boundary that also is a metropolitan area boundary, the urbanized area boundary will continue to follow that political boundary even if the metropolitan area boundary subsequently changes.

5. When urbanized areas are contiguous, the Census Bureau will use the following criteria to determine if a merger occurs:

a. The Census Bureau merges urbanized areas when:

(1) Two or more newly qualifying urbanized areas are contiguous and are mostly in the same MSA or PMSA.

(2) A newly qualifying urbanized area is contiguous to an existing urbanized area and both are mostly in the same MSA or PMSA.

(3) Previously existing urbanized areas mostly in the same MSA or PMSA become contiguous.

(4) Existing contiguous urbanized areas, previously entirely or mostly in different metropolitan areas, become entirely or mostly part of the same MSA or PMSA because of a metropolitan area merger, provided that the urbanized areas are contiguous for 1 continuous mile or more and that the average population density of the census blocks along the line of contiguity in each of the affected urbanized areas is at least 1,000 people per square mile.

b. The Census Bureau does not merge urbanized areas when:

(1) Existing urbanized areas are contiguous or become contiguous and are entirely or mostly in different MSAs or CMSAs.

(2) Existing urbanized areas are contiguous or become contiguous and are mostly in the same CMSA but mostly in different PMSAs.

(3) Existing urbanized areas are contiguous or become contiguous and the largest central place of one of the urbanized areas is mostly outside the encompassing metropolitan area

(4) Existing contiguous urbanized areas, previously entirely or mostly in different metropolitan areas, become entirely or mostly part of the same MSA or PMSA because of a metropolitan area merger but (a) are contiguous for less than 1 continuous mile; or (b) have an average population density of less than 1,000 people per square mile in the census blocks along the line of contiguity in one of the affected urbanized areas.

Differences Between the 1990 Urbanized Area Criteria and the 1980 Urbanized Area Criteria

The following is a summary of the differences between the 1990 urbanized area criteria and the 1980 urbanized area criteria.

1. The Census Bureau will recognize an urbanized area if it contains a place, either incorporated or census designated. Previously, the Census Bureau required a potential urbanized area to contain an incorporated place (except in Hawaii and Puerto Rico, where incorporated places do not occur in the sense of functioning local governmental units). In line with this proposed change, the Census Bureau is replacing the term "central city" with the term "central place."

2. The Census Bureau will add an entire place to an urbanized area only if the qualifying portion is adjacent to or within 1 1/2 road miles of the main body of the urbanized area and the qualifying portion contains at least 50 percent of the population of the place. Previously, a place had to contain only a closely settled area that included at least 50 percent of the population of the place, or a cluster of at least 100 housing units, if the place did not have a population of at least 2,500 or a population density of at least 1,000 people per square mile.

3. The combined population density of any noncontiguous qualifying area and the intervening nonqualifying census block(s) added to the urbanized area must be at least 500 people per square mile. There must be at least one census block that is contiguous to the road connecting the qualifying core area with the noncontiguous qualifying area. Previously, there was no stated minimum population density requirement for adding noncontiguous qualifying area and the intervening nonqualifying blocks to the urbanized area, but the Census Bureau used this proposed criterion as a guideline in the past.

4. The Census Bureau will close urbanized area boundary indentations only when the depth of the area is at least two times greater than a line closing the opening. This criterion applies only when the indented area within the urbanized area is surrounded by area meeting the minimum population density requirement of 1,000 people per square mile. Previously, the Census Bureau generally closed any indentation less than 1 mile across the open end if it encompassed no more than 5 square miles.

5. The Census Bureau no longer will automatically add to an urbanized area the territory that contains a large concentration of nonresidential urban land use (such as an industrial park, office complex, or major airport) and is adjacent to the urbanized area, even if at least one-quarter of the boundary of the land use area is contiguous with the urbanized area. The Census Bureau does not have sufficient information to implement this criterion consistently on a nationwide basis. However, the Census Bureau, will exclude the length of roads